

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 14, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 7, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated November 7, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 3 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Nebraska Annual Conference of the United Methodist Church

MOTION: Steinman moved and Heier seconded approval of the motor vehicle tax exemption for Nebraska Annual Conference of the United Methodist Church. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of public hearings for Tuesday, November 28, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for the following:

**Randy and Stacey Overholt
Karen R. Gray**

MOTION: Steinman moved and Heier seconded approval of setting public hearings for notice of valuation change for Randy and Stacey Overholt and Karen R. Gray. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Lancaster Implement, Inc. (2 notices)

Norm Agena, County Assessor, explained that the lots were previously owned by the Waverly School District. He recommended a value of \$2,795 for Parcel I.D. 24-16-412-011-000 and \$11,035 for Parcel I.D. 24-16-412-010-000.

Nebraska Surgery Center LLC

The Assessor recommended a value of \$2,089,100.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and set the following values: Lancaster Implement, Inc. (Parcel I.D. 24-16-412-011-000) at \$2,795, Lancaster Implement, Inc. (Parcel 24-16-412-010-000) at \$11,035 and Nebraska Surgery Center LLC at \$2,089,100. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT**

MOTION: Steinman moved and Hudkins seconded adjournment of the Board of Equalization meeting. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 7, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated November 7, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, November 14, 2000.**

MOTION: Workman moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence for the month of October was presented to Steve Swanson, Assistant Maintenance & Construction Manager, with the Corrections Department.

B. Recognition of Bob Jarrett, Construction Manager with the Corrections Department, for his accomplishments which resulted in him being selected as the "Law Enforcement Officer of the Year" award for 2000 sponsored by the Capitol City Footprint Association of Lincoln. (M-00-98)

4) **PUBLIC HEARINGS:**

A. Comprehensive Plan Amendment 94-58, requested by the Directors of Planning, Public Works and Utilities and the Parks and Recreation Departments, to amend Chapter IV (Transportation) of the 1994 Lincoln-Lancaster County Comprehensive Plan, to adopt the Boulevard Concept for the Public Way Corridors and to incorporate the Lincoln Fringe Area Primary Public Way Corridor Study by reference.

The Chair opened the public hearing.

Nicole Fleck-Tooze, Planning Department, suggested that the County Board recess the public hearing after taking testimony until the City Council holds their hearing and takes action.

Campbell asked Fleck-Tooze to make a brief presentation on the Amendment.

Fleck-Tooze stated the concept was generated to address concerns relative to the major arterial street network in the City and how it would interface with the County road network, to enhance the livability and the function of those corridors while accommodating needs for better vehicular traffic along the corridors and the ability to accommodate road widenings in the future. She explained that the Public Way Corridor Study explored alternatives to address those issues and incorporate trails and pedestrian traffic into the network, to provide for landscaping and a safe space for pedestrians along the corridor, to accommodate for utilities within the corridors and to provide a positive physical image for the community and knit neighborhoods together.

Fleck-Tooze stated that the corridor accommodates up to four through lanes of traffic with the addition of two left turn lanes and a right turn lane at the mile line intersection. She said it also pulls the street trees back into the corridor between the curb and the sidewalk and provides for a landscape screen along the edge of the corridor. She explained that the original proposal was for a 140 foot corridor to apply to all of the mile line section roadway framework between the existing City limits and the three mile jurisdiction, however, the proposal was revised to reduce the area of application to the future urban service limit. Fleck-Tooze stated the Planning Commission recommended a corridor which would be 120 feet in width with 130 feet at the mile line intersections for the additional space needed for the extra turn lanes.

4) **PUBLIC HEARINGS CONTINUED:**

Campbell suggested that the Board meet with Don Thomas, County Engineer, regarding the amendment.

The Chair asked if anyone else wished to provide testimony regarding the amendment.

Henry Wulf, 7172 South 70th Street, stated he felt the County Board was correct in designating an area within the County. He urged the Board to delay any action until the City Council makes their decision.

Kent Seacrest, attorney representing South View, Inc. and Ridge Development Company, distributed and briefly discussed documentation entitled *Primary Public Way Corridors, Road Map to an Aesthetic and Efficient Model* (Exhibit A).

In response to a question asked by Steinman regarding medians, Seacrest stated he was trying to address the consultants who felt the aesthetics require a median. He stated the median is not generally used for utilities due to expense.

Workman stated a number of individuals have asked him about bicycle lanes on each side of County roads.

Seacrest replied that a 39 foot rural section would allow for a four foot asphalt shoulder, which, if widened by another two feet, would allow for bicycles.

Heier asked why trees would be planted between the street and the sidewalk.

Seacrest stated the development community agrees that trees should not be planted if there is a possibility a street would be widened to six lanes, however, in 97 percent of the cases four lanes would be adequate.

Fleck-Tooze clarified that a double row of street trees is not being proposed. The trees between the curb and the sidewalk are the street trees which are currently required by ordinance. She stated the landscape screen on the outside is currently required for residential areas when abutting an arterial street. Fleck-Tooze stated currently the landscape screen requirement can be met with a board fence or with landscape plant material. One of the recommended changes is that the design standards be modified so that the requirement be met with landscape material only.

4) **PUBLIC HEARINGS CONTINUED:**

Responding to Heier's previous question, Fleck-Tooze stated the purpose of placing the trees in the corridor was to make multiple use of the space between the curb and the sidewalk.

Heier stated he would be in favor of the trees being planted on the other side of the sidewalk for future use.

Hudkins concurred with Heier, noting safety issues.

Campbell stated she and Commissioner Hudkins visited with Kathleen Sellman, Planning Director, and Allan Abbott, Director of Public Works and Utilities about establishing a technical committee between the County Engineer's Department, Planning, Public Works and the law departments.

Campbell stated they may have to look at levels of the corridor in terms of what will be achieved. She stated that every County line road may not be the same in terms of landscaping, width or medians.

Allan Abbott, Director of Public Works and Utilities, stated the proposal applies to the Long Range Transportation Plan (LRTP) and the existing Comprehensive Plan. He explained that the amendment is bringing the concept of the public way corridor into the time frame of the LRTP.

Kathleen Sellman, Planning Director, concurred with Abbott. She also emphasized the importance of the LRTP in identifying the areas of road improvements for the near future. She indicated they would be embarking on another LRTP within the next few months.

Workman stated he agreed with the formation of a technical committee and suggested that a representative from Great Plains Trails be on the committee.

Workman asked if a caveat could be added, upon approval of the amendment, that a technical committee be formed to continue work on details of the amendment.

Abbott stated yes.

Campbell stated they also discussed the development of trigger mechanisms in relation to certain specific roadway conditions.

4) **PUBLIC HEARINGS CONTINUED:**

By direction of the Chair the public hearing was recessed until Tuesday, November 28, 2000 when it will be reconvened.

5) **NEW BUSINESS:**

A. A contract with Derek Grimmell, Ph.D. for psychological services for 20 hours per week, beginning November 1, 2000 and ending October 31, 2001. The County will pay \$27,048 for the term of the contract. (C-00-556)

MOTION: Heier moved approval.

David Johnson, Deputy County Attorney, requested the contract be removed from the agenda. He added it would be placed back on the agenda at a later date.

Heier withdrew his motion.

At the request of the County Attorney's office, the contract with Derek Grimmell, Ph.D. was removed from the agenda.

B. A grant contract with Cedars Youth Services to provide funding for the following programs, beginning July 1, 2000 and ending June 30, 2001: Teaching and Learning with Children (TLC) Housing; Children's Shelter and the Freeway Station. The County will pay \$240,648 for the programs. (C-00-558)

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

C. A grant contract with Cedars Youth Services to provide for one full-time Intensive Tracker position to be used by the Lancaster County Detention Expediter, beginning September 1, 2000 and ending August 31, 2001. The County will pay \$19,200 from the General Fund. (C-00-557)

MOTION: Hudkins moved and Steinman seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. An agreement with the Mediation Center: Resources for Collaborative Decision Making to ensure that the goals of the Families First and Foremost program are successful and are grounded in collaborative planning, development and implementation, beginning September 1, 2000 and ending August 31, 2001. The County will pay up to \$30,000 for the services. (C-00-559)

MOTION: Heier moved and Steinman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

E. An interlocal agreement with the City of Waverly to provide construction of asphalt pavement on Cannongate Road from Jamestown to Oldfield Street. The estimated cost of the project is \$42,000 and will begin upon the date of execution of the agreement to the date of completion or November 1, 2001, whichever is the latter event. (C-00-571)

David Johnson, Deputy County Attorney, explained that Keno funds would be used by the County for the project and that the City of Waverly would pay for 50 percent of the cost of paving, shoulder work, striping and seeding.

MOTION: Hudkins moved and Workman seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

F. Authorization of Wells Fargo Bank, as Trustee, to disburse \$533,202.30 from the juvenile detention center bond proceeds to Cheever Construction Company for Pay Application Number 9, as general contractor, for the new Juvenile Detention Center. (M-00-99)

MOTION: Steinman moved and Heier seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

G. Request to reconsider a political subdivision tort claim filed against Lancaster County by Martin Moody.

Martin Moody, claimant, introduced himself to the County Board and gave a summary in regard to his claim.

5) **NEW BUSINESS CONTINUED:**

The County Board questioned Moody regarding the following:

- < Extent of damage to vehicle.
- < Placement of warning signs/barricades/pylons.
- < Total amount of damages (Estimate from Miracle Workers Body & Paint, Inc. was \$1,853.24 and \$2,333.49 from Tracy's Auto Body Inc.)
- < Why didn't Moody stop when accident took place.

In response to a question asked by Steinman, Sue Eckley, Workers' Compensation and Risk Manager, stated the County Engineering Department is required to place signage on the road when they are working. She explained that the department has no set rule as to placement of the signs, for example on either side of the workplace one-half mile before the location of the work and one-half mile preceding the location.

Steinman suggested the Engineering Department place four signs at locations when working. Two closer to the location (before and after) and two farther away (before and after).

David Johnson, Deputy County Attorney, reminded the County Board that they must first make a motion whether to reconsider the claim. He explained if a motion is made to reconsider the claim, Sue Eckley or Mr. Moody may present any further information.

Eckley stated Mr. Moody alluded to the fact that the body shops had indicated there was prior damage to the vehicle. She stated the body shops attempted to prepare the estimates by noting they were trying to decipher previous scratches from new ones.

MOTION: Workman moved and Hudkins seconded to reconsider the political subdivision tort claim filed against Lancaster County by Martin Moody.

Workman stated he would like to reconsider the claim because the tree limb did fall into the left lane of travel which was not secured.

ROLL CALL: Hudkins, Workman, Heier and Steinman voted aye. Campbell voted no. Motion carried.

Eckley recommended the estimate from Miracle Workers Body & Paint Inc., in the amount of \$1,853.24, be accepted if the County Board approves the claim. She stated the body shop did indicate they had made reference to pre-existing damage versus what they felt was new damage. Eckley stated she felt the estimate from Miracle Workers was accurate.

5) **NEW BUSINESS CONTINUED:**

In response to a question asked by Campbell, Eckley stated they could request the body shop to clarify pre-existing damage versus new damage.

MOTION: Steinman moved and Hudkins seconded to approve the political subdivision tort claim filed against Lancaster County by Martin Moody, in the amount of \$1,853.24.

Campbell stated she has concerns regarding pre-existing damage versus new damage and indicated she would be comfortable if the new damage was identified.

ROLL CALL: Heier, Steinman, Workman and Hudkins voted aye. Campbell voted no. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **County Clerk's Monthly Report for October, 2000.**
2. **Noxious Weed Control Authority's Monthly Report for October, 2000.**
3. **Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for October, 2000.**
4. **County Treasurer's Report on Distress Warrants for Fiscal Year 2000.**

B. Setting of public hearings for Tuesday, November 28, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. **County Special Permit Number 183, Stevens Creek Ridge Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of five dwelling units, on property generally located at North 134th and Holdrege Streets in Lancaster County, Nebraska.**

6) **CONSENT ITEMS CONTINUED:**

2. County Preliminary Plat Number 00025, Stevens Creek Ridge, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of five residential acreage lots, with requests to waive sidewalks, street trees, street lighting, landscape screens and block length, on property generally located at North 134th and Holdrege Streets in Lancaster County, Nebraska.

C. **Right-of-way contracts between the County Engineer and the following:**

- < Winifred D. Williss, in the total amount of \$7,871.61, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (4 contracts) (C-00-560 and C-00-561, C-00-563 and C-00-564)
- < R & R Partners, in the amount of \$6,320, on the northwest corner of South 68th Street and Bennet Road to Saltillo Road; Project STPE-3265(6). (C-00-562)
- < Betty S. Moormeier, in the total amount of \$6,190.63, on South 54th Street from Roca Road to Saltillo Road; Project C55-S-405(1). (3 contracts) (C-00-568 through C-00-570)
- < Eldon and Annette Gruber, in the amount of \$837.50, on South 54th Street from Roca Road to Saltillo Road; Project C55-S-405(1).
- < (C-00-567)
- < Marion G. and Carol A. Schmidt, in the amount of \$800, on South 54th Street from Roca Road to Saltillo Road; Project C55-S-405(1). (C-00-565)

D. **An agreement between the County Engineer and K & M, Inc., in the amount of \$300, for surveying services on South 56th Street; Project STPE-3355(1). (C-00-566)**

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

7) **ADJOURNMENT**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

Bruce Medcalf
County Clerk